

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
GRISELDA BIELINSKI and MARIO PARDO,

Plaintiffs,

- against -

HOTEL PIERRE,

Defendant.
----- X

07 Civ. 11636 (SS)(JCF)

DECLARATION OF
GRISELDA BIELINSKI
IN OPPOSITION TO MOTION
FOR SUMMARY JUDGMENT

Griselda Bielinski declares, under penalty of perjury, as follows:

1. I am one of the plaintiffs in this action.
2. It is my belief, based on more than 20 years of work as a Banquet Server at the Hotel Pierre, that Banquet Captains are part of management. They supervise servers, set the hours of servers, determine the work assignments of servers, and critique the work of servers.
3. Jay Laut did not become a full-time employee of the Pierre until 2005, when he became an "A List" waiter. All of his previous work was part-time, sporadic work as a relief, or part-time waiter, working off of what is known as the "B List."
4. Jay Laut announced his appointment to the Banquet Captain position on March 17, 2007, before I received my second interview for the position. I complained around March 19, 2007 in writing (Exhibit F) and in person. Nevertheless, on March 21, Mr. Laut was given a Captain's tuxedo, put on the Captains' schedule, and worked as a Captain.
5. At the meeting with Ms. Mancini I referenced the fact that I had been denigrated by one of the Captains because of my age. At that time I gave Ms. Mancini my March 16, 2007

letter to Union President Peter Ward (Exhibit G) which outlined the statements made to me by Captain Jack Racic.

6. I had complained to Ms. Mancini as early as February 21, 2007 that Mr. Laut was rumored to have been designated by the other Captains for the job (see Exhibit H). The comments I listed in the Ward letter of March 16, 2007 (Exhibit G) were made prior to February 21, 2007. I made a point in that letter that Mr. Laut had only been a full-time employee for three years. (In fact, he had been employed full time by the Pierre for only two years.)

7. Annexed as Exhibit I is my February 2007 "Employee Development Review." Exhibit J is Mario Pardo's February 2007 Review, and Exhibit K is Jay Laut's February 2007 Review. I was the only one whose "Career Planning" section stated that I would be "a strong candidate" for the position of Banquet Captain.

Dated: New York, New York
September 8, 2008


Griselda Bielinski

EXHIBIT F

EXHIBIT

Piffz' 5

4-29-68

II

March 2007

MR HEIKO KEUNSTLE

GENERAL MANAGER, PIERRE HOTEL

MS. IVONE MANCINI

DIRECTOR HUMAN RESOURCE

FROM:-

ALL BANQUET EMPLOYEES IS VERY UPSET & FELT
DISCRIMINATED, ABOUT THE UNFAIR DECISION FOR THE
1) PROMOTION < - >

BECAUSE THERE IS EMPLOYEES WITH 21 YEARS ~~OVER~~
WITH LOYAL SERVICE, GOOD RECORD, NIGHTS & DAYS,
MORETIME HERE, THAN THERE FAMILY'S ALSO WITH
THOSE ANNUAL SURVEY, YEARS AFTER YEARS / WITH
VARIOUS DEPARTMENT HEADS (WHAT THAT SUPPOSE TO
MEANS A 3 YEARS EMPLOYEES V/S 21 YEARS SERVICE
BECAUSE OF AGE, RACE, BACKGROUND OR LOOKS,
MUST BE SOME-SHORT DISCRIMINATION!

2) FURTHERMORE! THE EXISTING CAPTAINS "WHO IS SO CALL SHIPSTEWART"
IS DECIDING (WITH WHO, THEY WANT TO WORK WITH
BECAUSE HE HAVE CONNECTION WITH EXECUTIVE BOARD
IN UNION ^{OFFICE} ~~HALL~~, TO GAIN POWER & BACK-UP, BY IMPOSING
WHO SHOULD BE PROMOTED FOR THE POSITION, BECAUSE
OF DELEGATE OR EX DELEGATE, WHICH HAVE NO BEARING,
BECAUSE ARE CHANGES EVERY-YEAR, ON DELEGATES -

WHICH REFLECT STRONGLY ON MANAGEMENT IS GIVING
PREFERENCE BY CREATING A CONFLICT OF INTEREST.

3/ WITH HIGH RESPECT TO OUR G.M. AND HUMAN RESOURCE DEPARTMENT

D0244

WE ASK TO RE-CONSIDER (ALSO IN THE PAST BEFORE, WITH
FOUR SEASONS, THE SAME CAPTAINS PULL THE TRICKS, WE ARE A
TAJ FAMILY, WE ALL WANT TO BE TREATED FAIR.

Sir,

WE THANK YOU! — WE DO NOT WANT TO MEET THE
COMMISSION OFFICE FOR JUSTICE!

Respectfully Yours,

EXHIBIT G

Griseida Bielinski
60 W 57th ST
NEW YORK, NY 10019



March 16th, 2007

MR. PETER WARD
PRESIDENT OF LOCAL 6

Dear Mr. WARD:

IN regard to the application that I have made for the open position of Captain at the Banquet Department at the Pierre Hotel which is presently being decided; I am bringing to your attention and knowledge to the comments and remarks made by Captain of the Banquet Department who are themselves known as "the ruling click of the Department" (Union Insiders).

"You are too old to be named Captain"

"You are nothing more than a Coffee Shop waitress"

"GiGi will never be a Captain at the Pierre Hotel"

"Over my dead body"

"You have plenty of opportunity in 2 or 3 YEARS"

"Don't do anything"

"We are really the ones who make the decisions or promotions at this department"

"All of us, with the exemption of one, we have been Delegates and that will remain; so, GiGi, you have no chance to become one"

I am also enclosing with the present note photocopies of correspondence that I have surrendered at the Department of Human Resources. All this is related to my application for the before mentioned position.

With thanks, I am,

Respectfully Yours,

Griseida Bielinski

EXHIBIT H

EXHIBIT

Pitts 2
4-29-08 11

2/21/07

Human Resource
Prerre Hotel

Mr. Ivone Mancane

All the applicants who signed below for the opening as Captain at the Banquet Department are very much concern and preoccupied for the manner or method of doing it.

We the group who applied for this promotion are employees for the last 21 years, very loyal, consistent, good hard workers individual with very good records; proved by the annual Survey done by the head of our Department.

Our fear are that the selection for the next Captain will be done in a very particular way: Selecting an individual who is working with us for 3 years; also is a member of the Board of Director at our Union: this reflect that management is giving a preference, creating a conflict of interest.

The reason of "being" or Raison d'être of our Union is to insure fair treatment to everybody and every one to its general membership. and not to attempt to impose a member of the Board of Directors at the Union "our Union" for a prized position.

All this at the expense of a significant sized group of more "Union workers".

D0250

EXHIBIT I

ENTERED



The Pierre
New York

A Taj Hotel

EMPLOYEE DEVELOPMENT REVIEW

NAME: Griselda Bielinski

SIGNATURE: *Griselda Bielinski*

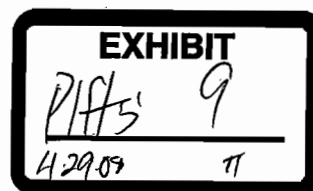
REVIEWING MANAGER: Christopher Edmonds

SIGNATURE: *C. Edmonds*

DIVISION HEAD: Gerard Madani *Gerard Madani*

DATE OF REVIEW: 2/13/07

TIME IN THIS POSITION: _____



D0019

Part 1. Situation Overview

Comment on any factors affecting the employee or the department, which should be borne in mind when examining this review:

Part 2. Achievements

Comment on any specific employee achievements since the last review:

Part 3. Review of the Employee Skills

<i>Area of Review</i>	<i>Below Expectations</i>	<i>Meets Expectations</i>	<i>Exceeds Expectations</i>
A. Getting Things Done			
1. Takes Responsibility for Getting work done.			X
2. Follows up; Completes the job.		X	
3. Finishes the job on time.		X	
4. Organizes own work effectively.		X	
5. Works with minimal supervision.		X	
B. Problem Solving			
1. Knows when to take action without being told.		X	
2. Asks for help as appropriate.		X	
3. Sets appropriate priorities.		X	
4. Stays objective in trying situations.		X	
C. Good Judgement			
1. Understands the Departmental Objectives.		X	
2. Complies with Safety Procedures.		X	
3. Efficiently uses hotel equipment.		X	
4. Controls waste of hotel supplies.		X	
5. Maintains a neat work area.		X	

D. Desire for Excellence			
1. Follows up on details.		X	
2. Does things right the first time.		X	
3. Shows pride in extending service.		X	
4. Strives to meet guest(s) needs.		X	
5. Observes hotel procedures.		X	
6. Demonstrates Taj philosophy & values.		X	

Area of Review	Below Expectations	Meets Expectations	Exceeds Expectations
E. Flexibility			
1. Quickly adapts to changes.		X	
2. Maintains poise and composure.		X	
3. Handles criticism and pressure.		X	
4. Open to the views of others.		X	
5. Handles competing priorities.		X	
F. Team Player			
1. Has dependable attendance.		X	
2. Cooperates with other staff.		X	
3. Understands the Big Picture.		X	
4. Pitches in to help others.		X	
5. Communicates well with co-workers.		X	
G. Interpersonal Skills			
1. Has the trust of co-workers.		X	
2. Shows consideration for others.		X	
3. Is friendly to guests and staff.			X
4. Treats others with respect.		X	
5. Listens to what others have to say.		X	
6. Is fair with others.		X	

H. Specific Job Skills			
1. Knows all parts of the job.		X	
2. Does high quality of work.		X	
3. Consistently meets all standards.		X	
4. Exhibits appropriate grooming.		X	
OVERALL RATING		X	

Part 4. Summary

What are the employees strong points?

- Always willing to work extra.
- GG is very personable with all guests.

What areas need improvement?

Improve Service Consistency for all staff.

Part 5. Career Planning

What other positions, if any appear to be a reasonable next move for this employee?

GG is a strong candidate for the position of Banquet Captain.

Special training required or development planned to help achieve the employee's goals?

Attend Mandatory Training Sessions during Spring 2007, with the intention to improve all Banquet Service Standards.

Part 6: Employee Comments or Suggestions:

EXHIBIT J



The Pier ENTERED
New York

A Taj Hotel

EMPLOYEE DEVELOPMENT REVIEW

NAME: Mario Pardo

SIGNATURE: X ~~Mario Pardo~~ Mario Pardo.

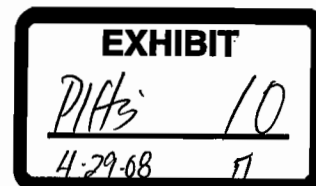
REVIEWING MANAGER: Christopher Edmonds

SIGNATURE: C. Edmonds

DIVISION HEAD: Gerard Madani

DATE OF REVIEW: 2/8/07

TIME IN THIS POSITION: _____



D0068

Part 1. Situation Overview

Comment on any factors affecting the employee or the department, which should be borne in mind when examining this review:

The Banquets department is continuing to build on the increased business for 2007 and is building on expectations due to the renovations in banquets. In respect to the past year, due to the renovations, we lost some business due to the fact that Sales was unable to book due to the pending and completed renovations. We lost some business during the first quarter when guest rooms were tentatively to be renovated and then the banquet rooms when renovations took place during August, the beginning of September and the end of December. The outlook for the future seems excellent with the Plaza still closed and the closing of several other competitors in the immediate area.

We will build on the individual training of each of our staff members in respects to their specific needs and how it will keep up with the core standards for Taj. In turn our associates will learn and grow within the Taj to bettering themselves while providing our guests with exceptional service.

We foresee a very strong future for the banquet department in every aspect. We are very pleased with the renovations, and look forward to the renovations of the guest rooms expecting this to help increase the amount of corporate and group booking and will help bring back some of our old clientele. We are anxious for the overall renovation project for the entire hotel, as it will only help increase our overall revenue.

Part 2. Achievements

Comment on any specific employee achievements since the last review:

Part 3. Review of the Employee Skills

<i>Area of Review</i>	<i>Below Expectations</i>	<i>Meets Expectations</i>	<i>Exceeds Expectations</i>
A. Getting Things Done			
1. Takes Responsibility for Getting work done.			X
2. Follows up; Completes the job.		X	
3. Finishes the job on time.		X	
4. Organizes own work effectively.		X	
5. Works with minimal supervision.			X
B. Problem Solving			

1. Knows when to take action without being told.		X	
2. Asks for help as appropriate.		X	
3. Sets appropriate priorities.		X	
4. Stays objective in trying situations.		X	
C. Good Judgement			
1. Understands the Departmental Objectives.			X
2. Complies with Safety Procedures.		X	
3. Efficiently uses hotel equipment.		X	
4. Controls waste of hotel supplies.		X	
5. Maintains a neat work area.		X	
D. Desire for Excellence			
1. Follows up on details.			X
2. Does things right the first time.		X	
3. Shows pride in extending service.			X
4. Strives to meet guest(s) needs.		X	
5. Observes hotel procedures.		X	
6. Demonstrates Taj philosophy & values.		X	

Area of Review	Below Expectations	Meets Expectations	Exceeds Expectations
E. Flexibility			
1. Quickly adapts to changes.		X	
2. Maintains poise and composure.			X
3. Handles criticism and pressure.		X	
4. Open to the views of others.			X
5. Handles competing priorities.		X	
F. Team Player			
1. Has dependable attendance.		X	

2. Cooperates with other staff.		X	
3. Understands the Big Picture.		X	
4. Pitches in to help others.		X	
5. Communicates well with co-workers.		X	
G. Interpersonal Skills			
1. Has the trust of co-workers.			X
2. Shows consideration for others.		X	
3. Is friendly to guests and staff.		X	
4. Treats others with respect.			X
5. Listens to what others have to say.		X	
6. Is fair with others.		X	
H. Specific Job Skills			
1. Knows all parts of the job.			X
2. Does high quality of work.			X
3. Consistently meets all standards.		X	
4. Exhibits appropriate grooming.		X	
OVERALL RATING		X	

Part 4. Summary

What are the employees strong points?

Mario is the assistant delegate

Has a tremendous amount of knowledge for booking standards and procedures.

Very helpful to management

What areas need improvement?

Improve Service Consistency for all staff.

Being an elder statesman, Mario needs to lend his guidance and influence in directing his coworkers.

Part 5. Career Planning

What other positions, if any appear to be a reasonable next move for this employee?

Special training required or development planned to help achieve the employee's goals?

Attend Mandatory Training Sessions during Spring 2007, with the intention to improve all Banquet Service Standards.

Part 6: Employee Comments or Suggestions:

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.



EXHIBIT K



ENTERED

The Pierre
New York

A Taj Hotel

EMPLOYEE DEVELOPMENT REVIEW

NAME: Jay Laut

SIGNATURE: 

REVIEWING MANAGER: Christopher Edmonds

SIGNATURE: 

DIVISION HEAD: Gerard Madani

DATE OF REVIEW: 2/13/07

TIME IN THIS POSITION: _____



D0115

Part 1. Situation Overview

Comment on any factors affecting the employee or the department, which should be borne in mind when examining this review:

. The Banquets department is continuing to build on the increased business for 2007 and is building on expectations due to the renovations in banquets. In respect to the past year, due to the renovations, we lost some business due to the fact that Sales was unable to book due to the pending and completed renovations. We lost some business during the first quarter when guest rooms were tentatively to be renovated and then the banquet rooms when renovations took place during August, the beginning of September and the end of December. The outlook for the future seems excellent with the Plaza still closed and the closing of several other competitors in the immediate area.

We will build on the individual training of each of our staff members in respects to their specific needs and how it will keep up with the core standards for Taj. In turn our associates will learn and grow within the Taj to bettering themselves while providing our guests with exceptional service.

We foresee a very strong future for the banquet department in every aspect. We are very pleased with the renovations, and look forward to the renovations of the guest rooms expecting this to help increase the amount of corporate and group booking and will help bring back some of our old clientele. We are anxious for the overall renovation project for the entire hotel, as it will only help increase our overall revenue.

Part 2. Achievements

Comment on any specific employee achievements since the last review:

Part 3. Review of the Employee Skills

Area of Review	Below Expectations	Meets Expectations	Exceeds Expectations
A. Getting Things Done			
1. Takes Responsibility for Getting work done.			X
2. Follows up; Completes the job.			X
3. Finishes the job on time.		X	
4. Organizes own work effectively.		X	
5. Works with minimal supervision.		X	
B. Problem Solving			
1. Knows when to take action without being told.		X	
2. Asks for help as appropriate.		X	
3. Sets appropriate priorities.		X	
4. Stays objective in trying situations.		X	
C. Good Judgement			
1. Understands the Departmental Objectives.		X	
2. Complies with Safety Procedures.		X	
3. Efficiently uses hotel equipment.		X	
4. Controls waste of hotel supplies.		X	
5. Maintains a neat work area.			X
D. Desire for Excellence			
1. Follows up on details.		X	
2. Does things right the first time.		X	
3. Shows pride in extending service.			X
4. Strives to meet guest(s) needs.			X
5. Observes hotel procedures.		X	
6. Demonstrates Taj philosophy & values.		X	

<i>Area of Review</i>	<i>Below Expectations</i>	<i>Meets Expectations</i>	<i>Exceeds Expectations</i>
E. Flexibility			
1. Quickly adapts to changes.		X	
2. Maintains poise and composure.			X
3. Handles criticism and pressure.		X	
4. Open to the views of others.		X	
5. Handles competing priorities.		X	
F. Team Player			
1. Has dependable attendance.		X	
2. Cooperates with other staff.		X	
3. Understands the Big Picture.		X	
4. Pitches in to help others.		X	
5. Communicates well with co-workers.		X	
G. Interpersonal Skills			
1. Has the trust of co-workers.		X	
2. Shows consideration for others.			X
3. Is friendly to guests and staff.			X
4. Treats others with respect.		X	
5. Listens to what others have to say.		X	
6. Is fair with others.		X	
H. Specific Job Skills			
1. Knows all parts of the job.		X	
2. Does high quality of work.			X
3. Consistently meets all standards.		X	
4. Exhibits appropriate grooming.		X	
OVERALL RATING		X	

Part 4. Summary

What are the employees strong points?

Jay is currently the banquet delegate.

He is very helpful to his partner and helps when there is a lack of communication on his behalf.

Jay is very considerate and always helps the guests.

What areas need improvement?

Improve Service Consistency for all staff.

Jay needs to lend his experience and say as a delegate to communicate the needs of the management.

Part 5. Career Planning

What other positions, if any appear to be a reasonable next move for this employee?

T.B.D.

Special training required or development planned to help achieve the employee's goals?

Attend Mandatory Training Sessions during Spring 2007, with the intention to improve all Banquet Service Standards.

[illegible]